

26 | 1012.315, F.S.; providing that certain provisions
 27 | requiring the disqualification of persons convicted of
 28 | certain offenses apply to all persons who are required
 29 | to have contact with students; providing an additional
 30 | offense that disqualifies such persons from
 31 | employment; amending s. 1012.56, F.S.; authorizing the
 32 | Department of Education to deny applicants for
 33 | certification if the applicant could be disciplined by
 34 | the Education Practices Commission; authorizing the
 35 | commission to take specified actions for such
 36 | applicants; amending s. 1012.795, F.S.; authorizing
 37 | the commission to take certain actions against persons
 38 | who meet specified criteria; amending s. 1012.796,
 39 | F.S.; requiring a school district to file certain
 40 | complaints with the Department of Education even if
 41 | the subject of the complaint is no longer employed by
 42 | the district; requiring certain information be
 43 | included on an educator's certificate file; requiring
 44 | certified educators who are placed on probation to
 45 | immediately notify a specified office upon separation
 46 | from, rather than termination of, employment;
 47 | providing an effective date.

48 |
 49 | Be It Enacted by the Legislature of the State of Florida:
 50 |

51 Section 1. Section 800.101, Florida Statutes, is created
52 to read:

53 800.101 Offenses against students by authority figures.-

54 (1) As used in this section, the term:

55 (a) "Authority figure" means a person 18 years of age or
56 older who is employed by, volunteering at, or under contract
57 with a school, including school resource officers as provided in
58 s. 1006.12.

59 (b) "School" has the same meaning as provided in s.
60 1003.01 and includes a private school as defined in s. 1002.01,
61 a voluntary prekindergarten education program as described in s.
62 1002.53(3), early learning programs, a public school as
63 described in s. 402.3025(1), the Florida School for the Deaf and
64 the Blind, and the Florida Virtual School established under s.
65 1002.37. The term does not include a facility dedicated
66 exclusively to the education of adults.

67 (c) "Student" means a person who is enrolled at a school.

68 (2) An authority figure shall not solicit or engage in:

69 (a) Sexual conduct;

70 (b) A relationship of a romantic nature; or

71 (c) Lewd conduct with a student.

72 (3) A person who violates this section commits a felony of
73 the second degree, punishable as provided in s. 775.082, s.
74 775.083, or s. 775.084.

75 (4) This section does not apply to conduct constituting an

76 | offense that is subject to reclassification under s. 775.0862.

77 | Section 2. Subsection (5) of section 810.097, Florida
 78 | Statutes, is amended to read:

79 | 810.097 Trespass upon grounds or facilities of a school;
 80 | penalties; arrest.-

81 | (5) As used in this section, the term "school" means the
 82 | grounds or any facility, including school buses, of any
 83 | kindergarten, elementary school, middle school, junior high
 84 | school, or secondary school, whether public or nonpublic.

85 | Section 3. Subsection (6) and paragraph (b) of subsection
 86 | (7) of section 1001.42, Florida Statutes, are amended to read:

87 | 1001.42 Powers and duties of district school board.-The
 88 | district school board, acting as a board, shall exercise all
 89 | powers and perform all duties listed below:

90 | (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
 91 | PERSONNEL AND SCHOOL ADMINISTRATORS.-Adopt policies establishing
 92 | standards of ethical conduct for instructional personnel and
 93 | school administrators. The policies must require all
 94 | instructional personnel and school administrators, as defined in
 95 | s. 1012.01, to complete training on the standards; establish the
 96 | duty of instructional personnel and school administrators to
 97 | report, and procedures for reporting, alleged misconduct by
 98 | other instructional personnel and school administrators which
 99 | affects the health, safety, or welfare of a student, including
 100 | misconduct that involves engaging in sexual, romantic, or lewd

101 conduct with a student or soliciting such conduct; require the
 102 district school superintendent to report to law enforcement
 103 misconduct by instructional personnel or school administrators
 104 that would result in disqualification from educator
 105 certification or employment as provided in s. 1012.315; and
 106 include an explanation of the liability protections provided
 107 under ss. 39.203 and 768.095. A district school board, or any of
 108 its employees, may not enter into a confidentiality agreement
 109 regarding terminated or dismissed instructional personnel or
 110 school administrators, or personnel or administrators who resign
 111 in lieu of termination, based in whole or in part on misconduct
 112 that affects the health, safety, or welfare of a student, and
 113 may not provide instructional personnel or school administrators
 114 with employment references or discuss the personnel's or
 115 administrators' performance with prospective employers in
 116 another educational setting, without disclosing the personnel's
 117 or administrators' misconduct. Any part of an agreement or
 118 contract that has the purpose or effect of concealing misconduct
 119 by instructional personnel or school administrators which
 120 affects the health, safety, or welfare of a student is void, is
 121 contrary to public policy, and may not be enforced.

122 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
 123 instructional personnel and school administrators, as defined in
 124 s. 1012.01, from employment in any position that requires direct
 125 contact with students if the personnel or administrators are

126 | ineligible for such employment under s. 1012.315. An elected or
 127 | appointed school board official forfeits his or her salary for 1
 128 | year if:

129 | (b) The school board official knowingly fails to adopt
 130 | policies that require instructional personnel and school
 131 | administrators to report alleged misconduct by other
 132 | instructional personnel and school administrators; require the
 133 | district school superintendent to report misconduct by
 134 | instructional personnel or school administrators that would
 135 | result in disqualification from educator certification or
 136 | employment as provided in s. 1012.315 to the law enforcement
 137 | agencies with jurisdiction over the conduct; ~~or that~~ require
 138 | the investigation of all reports of alleged misconduct by
 139 | instructional personnel and school administrators, if the
 140 | misconduct affects the health, safety, or welfare of a student.

141 | Section 4. Subsection (12) of section 1001.51, Florida
 142 | Statutes, is amended to read:

143 | 1001.51 Duties and responsibilities of district school
 144 | superintendent.—The district school superintendent shall
 145 | exercise all powers and perform all duties listed below and
 146 | elsewhere in the law, provided that, in so doing, he or she
 147 | shall advise and counsel with the district school board. The
 148 | district school superintendent shall perform all tasks necessary
 149 | to make sound recommendations, nominations, proposals, and
 150 | reports required by law to be acted upon by the district school

151 board. All such recommendations, nominations, proposals, and
 152 reports by the district school superintendent shall be either
 153 recorded in the minutes or shall be made in writing, noted in
 154 the minutes, and filed in the public records of the district
 155 school board. It shall be presumed that, in the absence of the
 156 record required in this section, the recommendations,
 157 nominations, and proposals required of the district school
 158 superintendent were not contrary to the action taken by the
 159 district school board in such matters.

160 (12) RECORDS AND REPORTS.—Recommend such records as should
 161 be kept in addition to those prescribed by rules of the State
 162 Board of Education; prepare forms for keeping such records as
 163 are approved by the district school board; ensure that such
 164 records are properly kept; and make all reports that are needed
 165 or required, as follows:

166 (a) Forms, blanks, and reports.—Require that all employees
 167 accurately keep all records and promptly make in proper form all
 168 reports required by the education code or by rules of the State
 169 Board of Education; recommend the keeping of such additional
 170 records and the making of such additional reports as may be
 171 deemed necessary to provide data essential for the operation of
 172 the school system; and prepare such forms and blanks as may be
 173 required and ensure that these records and reports are properly
 174 prepared.

175 (b) Reports to the department.—Prepare, for the approval

176 | of the district school board, all reports required by law or
 177 | rules of the State Board of Education to be made to the
 178 | department and transmit promptly all such reports, when
 179 | approved, to the department, as required by law. If any reports
 180 | are not transmitted at the time and in the manner prescribed by
 181 | law or by State Board of Education rules, the salary of the
 182 | district school superintendent must be withheld until the report
 183 | has been properly submitted. Unless otherwise provided by rules
 184 | of the State Board of Education, the annual report on attendance
 185 | and personnel is due on or before July 1, and the annual school
 186 | budget and the report on finance are due on the date prescribed
 187 | by the commissioner.

188 |
 189 | Any district school superintendent who knowingly signs and
 190 | transmits to any state official a report that the superintendent
 191 | knows to be false or incorrect; who knowingly fails to
 192 | investigate any allegation of misconduct by instructional
 193 | personnel or school administrators, as defined in s. 1012.01,
 194 | which affects the health, safety, or welfare of a student; ~~or~~
 195 | who knowingly fails to report the alleged misconduct to the
 196 | department as required in s. 1012.796; or who knowingly fails to
 197 | report misconduct to the law enforcement agencies with
 198 | jurisdiction over the conduct pursuant to district school board
 199 | policy under s. 1001.42(6), forfeits his or her salary for 1
 200 | year following the date of such act or failure to act.

201 Section 5. Subsections (5) and (6) of section 1012.27,
 202 Florida Statutes, are amended to read:

203 1012.27 Public school personnel; powers and duties of
 204 district school superintendent.—The district school
 205 superintendent is responsible for directing the work of the
 206 personnel, subject to the requirements of this chapter, and in
 207 addition the district school superintendent shall perform the
 208 following:

209 (5) SUSPENSION AND DISMISSAL; NOTIFICATION.—

210 (a) Suspend members of the instructional staff and other
 211 school employees during emergencies for a period extending to
 212 and including the day of the next regular or special meeting of
 213 the district school board and notify the district school board
 214 immediately of such suspension. When authorized to do so, serve
 215 notice on the suspended member of the instructional staff of
 216 charges made against him or her and of the date of hearing.
 217 Recommend employees for dismissal under the terms prescribed
 218 herein.

219 (b) Notify the parent of a student who was subjected to or
 220 affected by misconduct identified under s. 1001.42(6) within 30
 221 days after the date on which the school district learns of the
 222 misconduct. The notification must inform the parent of:

223 1. The alleged misconduct, including which allegations
 224 have been substantiated, if any.

225 2. Whether the district reported the misconduct to the

226 department, if required by s. 1012.796(1)(d).

227 3. The sanctions imposed by the school district against
 228 the employee, if any.

229 4. The support the school district will make available to
 230 the student in response to the misconduct.

231 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person
 232 ~~instructional personnel and school administrators, as defined in~~
 233 ~~s. 1012.01,~~ in any position that requires direct contact with
 234 students, conduct employment history checks of each of the
 235 person's ~~personnel's or administrators'~~ previous employers,
 236 screen instructional the personnel and school ~~or~~ administrators,
 237 as defined in s. 1012.01, through use of the educator screening
 238 tools described in s. 1001.10(5), and document the findings. If
 239 unable to contact a previous employer, the district school
 240 superintendent shall document efforts to contact the employer.

241 Section 6. Paragraph (a) of subsection (2) and paragraph
 242 (a) of subsection (3) of section 1012.31, Florida Statutes, are
 243 amended to read:

244 1012.31 Personnel files.—Public school system employee
 245 personnel files shall be maintained according to the following
 246 provisions:

247 (2)(a) Materials relating to work performance, discipline,
 248 suspension, or dismissal must be reduced to writing and signed
 249 by a person competent to know the facts or make the judgment.

250 The resignation or termination of an employee before an

251 investigation of alleged misconduct by the employee affecting
252 the health, safety, or welfare of a student is concluded must be
253 clearly indicated in the employee's personnel file.

254 (3) (a) Public school system employee personnel files are
255 subject to the provisions of s. 119.07(1), except as follows:

256 1. Any complaint and any material relating to the
257 investigation of a complaint against an employee shall be
258 confidential and exempt from the provisions of s. 119.07(1)
259 until the conclusion of the preliminary investigation or until
260 such time as the preliminary investigation ceases to be active.
261 If the preliminary investigation is concluded with the finding
262 that there is no probable cause to proceed further and with no
263 disciplinary action taken or charges filed, a statement to that
264 effect signed by the responsible investigating official shall be
265 attached to the complaint, and the complaint and all such
266 materials shall be open thereafter to inspection pursuant to s.
267 119.07(1). If the preliminary investigation is concluded with
268 the finding that there is probable cause to proceed further or
269 with disciplinary action taken or charges filed, the complaint
270 and all such materials shall be open thereafter to inspection
271 pursuant to s. 119.07(1). If the preliminary investigation
272 ceases to be active, the complaint and all such materials shall
273 be open thereafter to inspection pursuant to s. 119.07(1). For
274 the purpose of this subsection, a preliminary investigation
275 shall be considered active as long as it is continuing with a

276 reasonable, good faith anticipation that an administrative
 277 finding will be made in the foreseeable future. An investigation
 278 shall be presumed to be inactive if no finding relating to
 279 probable cause is made within 60 days after the complaint is
 280 made. This subparagraph does not absolve the school district of
 281 its duty to provide any legally sufficient complaint to the
 282 department within 30 days after the date on which the subject
 283 matter of the complaint comes to the attention of the school
 284 district pursuant to s. 1012.796(1)(d)1., regardless of the
 285 status of the complaint.

286 2. An employee evaluation prepared pursuant to s. 1012.33,
 287 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of
 288 Education or district school board under the authority of those
 289 sections shall be confidential and exempt from the provisions of
 290 s. 119.07(1) until the end of the school year immediately
 291 following the school year in which the evaluation was made. No
 292 evaluation prepared before July 1, 1983, shall be made public
 293 pursuant to this section.

294 3. No material derogatory to an employee shall be open to
 295 inspection until 10 days after the employee has been notified
 296 pursuant to paragraph (2)(c).

297 4. The payroll deduction records of an employee shall be
 298 confidential and exempt from the provisions of s. 119.07(1).

299 5. Employee medical records, including psychiatric and
 300 psychological records, shall be confidential and exempt from the

301 provisions of s. 119.07(1); however, at any hearing relative to
 302 the competency or performance of an employee, the administrative
 303 law judge, hearing officer, or panel shall have access to such
 304 records.

305 Section 7. Section 1012.315, Florida Statutes, is amended
 306 to read:

307 1012.315 Disqualification from employment.—A person is
 308 ineligible for educator certification or, ~~and instructional~~
 309 ~~personnel and school administrators, as defined in s. 1012.01,~~
 310 ~~are ineligible for~~ employment in any position that requires
 311 direct contact with students in a district school system,
 312 charter school, or private school that accepts scholarship
 313 students under s. 1002.39 or s. 1002.395, if the person,
 314 ~~instructional personnel, or school administrator~~ has been
 315 convicted of:

316 (1) Any felony offense prohibited under any of the
 317 following statutes:

318 (a) Section 393.135, relating to sexual misconduct with
 319 certain developmentally disabled clients and reporting of such
 320 sexual misconduct.

321 (b) Section 394.4593, relating to sexual misconduct with
 322 certain mental health patients and reporting of such sexual
 323 misconduct.

324 (c) Section 415.111, relating to adult abuse, neglect, or
 325 exploitation of aged persons or disabled adults.

- 326 (d) Section 782.04, relating to murder.
- 327 (e) Section 782.07, relating to manslaughter, aggravated
- 328 manslaughter of an elderly person or disabled adult, aggravated
- 329 manslaughter of a child, or aggravated manslaughter of an
- 330 officer, a firefighter, an emergency medical technician, or a
- 331 paramedic.
- 332 (f) Section 784.021, relating to aggravated assault.
- 333 (g) Section 784.045, relating to aggravated battery.
- 334 (h) Section 784.075, relating to battery on a detention or
- 335 commitment facility staff member or a juvenile probation
- 336 officer.
- 337 (i) Section 787.01, relating to kidnapping.
- 338 (j) Section 787.02, relating to false imprisonment.
- 339 (k) Section 787.025, relating to luring or enticing a
- 340 child.
- 341 (l) Section 787.04(2), relating to leading, taking,
- 342 enticing, or removing a minor beyond the state limits, or
- 343 concealing the location of a minor, with criminal intent pending
- 344 custody proceedings.
- 345 (m) Section 787.04(3), relating to leading, taking,
- 346 enticing, or removing a minor beyond the state limits, or
- 347 concealing the location of a minor, with criminal intent pending
- 348 dependency proceedings or proceedings concerning alleged abuse
- 349 or neglect of a minor.
- 350 (n) Section 790.115(1), relating to exhibiting firearms or

351 weapons at a school-sponsored event, on school property, or
 352 within 1,000 feet of a school.

353 (o) Section 790.115(2)(b), relating to possessing an
 354 electric weapon or device, destructive device, or other weapon
 355 at a school-sponsored event or on school property.

356 (p) Section 794.011, relating to sexual battery.

357 (q) Former s. 794.041, relating to sexual activity with or
 358 solicitation of a child by a person in familial or custodial
 359 authority.

360 (r) Section 794.05, relating to unlawful sexual activity
 361 with certain minors.

362 (s) Section 794.08, relating to female genital mutilation.

363 (t) Chapter 796, relating to prostitution.

364 (u) Chapter 800, relating to lewdness and indecent
 365 exposure.

366 (v) Section 800.101, relating to offenses against students
 367 by authority figures.

368 (w)~~(v)~~ Section 806.01, relating to arson.

369 (x)~~(w)~~ Section 810.14, relating to voyeurism.

370 (y)~~(x)~~ Section 810.145, relating to video voyeurism.

371 (z)~~(y)~~ Section 812.014(6), relating to coordinating the
 372 commission of theft in excess of \$3,000.

373 (aa)~~(z)~~ Section 812.0145, relating to theft from persons
 374 65 years of age or older.

375 (bb)~~(aa)~~ Section 812.019, relating to dealing in stolen

376 | property.

377 | (cc)~~(bb)~~ Section 812.13, relating to robbery.

378 | (dd)~~(ee)~~ Section 812.131, relating to robbery by sudden

379 | snatching.

380 | (ee)~~(dd)~~ Section 812.133, relating to carjacking.

381 | (ff)~~(ee)~~ Section 812.135, relating to home-invasion

382 | robbery.

383 | (gg)~~(ff)~~ Section 817.563, relating to fraudulent sale of

384 | controlled substances.

385 | (hh)~~(gg)~~ Section 825.102, relating to abuse, aggravated

386 | abuse, or neglect of an elderly person or disabled adult.

387 | (ii)~~(hh)~~ Section 825.103, relating to exploitation of an

388 | elderly person or disabled adult.

389 | (jj)~~(ii)~~ Section 825.1025, relating to lewd or lascivious

390 | offenses committed upon or in the presence of an elderly person

391 | or disabled person.

392 | (kk)~~(jj)~~ Section 826.04, relating to incest.

393 | (ll)~~(kk)~~ Section 827.03, relating to child abuse,

394 | aggravated child abuse, or neglect of a child.

395 | (mm)~~(ll)~~ Section 827.04, relating to contributing to the

396 | delinquency or dependency of a child.

397 | (nn)~~(mm)~~ Section 827.071, relating to sexual performance

398 | by a child.

399 | (oo)~~(nn)~~ Section 843.01, relating to resisting arrest with

400 | violence.

401 (pp) ~~(oo)~~ Chapter 847, relating to obscenity.

402 (qq) ~~(pp)~~ Section 874.05, relating to causing, encouraging,
403 soliciting, or recruiting another to join a criminal street
404 gang.

405 (rr) ~~(qq)~~ Chapter 893, relating to drug abuse prevention
406 and control, if the offense was a felony of the second degree or
407 greater severity.

408 (ss) ~~(rr)~~ Section 916.1075, relating to sexual misconduct
409 with certain forensic clients and reporting of such sexual
410 misconduct.

411 (tt) ~~(ss)~~ Section 944.47, relating to introduction,
412 removal, or possession of contraband at a correctional facility.

413 (uu) ~~(tt)~~ Section 985.701, relating to sexual misconduct in
414 juvenile justice programs.

415 (vv) ~~(uu)~~ Section 985.711, relating to introduction,
416 removal, or possession of contraband at a juvenile detention
417 facility or commitment program.

418 (2) Any misdemeanor offense prohibited under any of the
419 following statutes:

420 (a) Section 784.03, relating to battery, if the victim of
421 the offense was a minor.

422 (b) Section 787.025, relating to luring or enticing a
423 child.

424 (3) Any criminal act committed in another state or under
425 federal law which, if committed in this state, constitutes an

426 | offense prohibited under any statute listed in subsection (1) or
 427 | subsection (2).

428 | (4) Any delinquent act committed in this state or any
 429 | delinquent or criminal act committed in another state or under
 430 | federal law which, if committed in this state, qualifies an
 431 | individual for inclusion on the Registered Juvenile Sex Offender
 432 | List under s. 943.0435(1)(h)1.d.

433 | Section 8. Paragraphs (a) and (b) of subsection (12) of
 434 | section 1012.56, Florida Statutes, are amended to read:

435 | 1012.56 Educator certification requirements.—

436 | (12) DENIAL OF CERTIFICATE.—

437 | (a) The Department of Education may deny an applicant a
 438 | certificate if the department possesses evidence satisfactory to
 439 | it that the applicant has committed an act or acts, or that a
 440 | situation exists, for which the Education Practices Commission
 441 | would be authorized to discipline a certified educator ~~revoke a~~
 442 | ~~teaching certificate.~~

443 | (b) The decision of the department is subject to review by
 444 | the Education Practices Commission upon the filing of a written
 445 | request from the applicant within 20 days after receipt of the
 446 | notice of denial. Upon review, the commission may deny the award
 447 | of a certificate, bar an applicant from reapplying for a
 448 | certificate, or allow the award of a certificate with one or
 449 | more of the following conditions:

450 | 1. Probation for a period of time.

- 451 2. Restriction on the scope of practice.
- 452 3. Issuance of a letter of reprimand.
- 453 4. Referral to the recovery network program provided in s.
 454 1012.798 under such terms and conditions as the commission may
 455 specify.
- 456 5. Imposition of an administrative fine not to exceed
 457 \$2,000 for each count or separate offense.

458 Section 9. Subsections (1) and (5) of section 1012.795,
 459 Florida Statutes, are amended to read:

460 1012.795 Education Practices Commission; authority to
 461 discipline.-

462 (1) The Education Practices Commission may suspend the
 463 educator certificate of any instructional personnel or school
 464 administrator, person as defined in s. 1012.01(2) or (3), for up
 465 to 5 years, thereby denying that person the right to teach or
 466 otherwise be employed by a district school board or public
 467 school in any capacity requiring direct contact with students
 468 for that period of time, after which the person holder may
 469 return to teaching as provided in subsection (4); may revoke the
 470 educator certificate of any person, thereby denying that person
 471 the right to teach or otherwise be employed by a district school
 472 board or public school in any capacity requiring direct contact
 473 with students for up to 10 years, with reinstatement subject to
 474 ~~the provisions of~~ subsection (4); may permanently revoke
 475 ~~permanently~~ the educator certificate of any person thereby

476 denying that person the right to teach or otherwise be employed
 477 by a district school board or public school in any capacity
 478 requiring direct contact with students; may suspend a person's
 479 ~~the~~ educator certificate, upon an order of the court or notice
 480 by the Department of Revenue relating to the payment of child
 481 support; or may impose any other penalty provided by law, if the
 482 person:

483 (a) Obtained or attempted to obtain an educator
 484 certificate by fraudulent means.

485 (b) Knowingly failed to report actual or suspected child
 486 abuse as required in s. 1006.061 or report alleged misconduct by
 487 instructional personnel or school administrators which affects
 488 the health, safety, or welfare of a student as required in s.
 489 1012.796.

490 (c) Has proved to be incompetent to teach or to perform
 491 duties as an employee of the public school system or to teach in
 492 or to operate a private school.

493 (d) Has been guilty of gross immorality or an act
 494 involving moral turpitude as defined by rule of the State Board
 495 of Education, including engaging in sexual, romantic, or lewd
 496 conduct with a student or minor or soliciting such conduct.

497 (e) Has had an educator certificate or other professional
 498 license sanctioned by this or any other ~~revocation, suspension,~~
 499 ~~or surrender in another~~ state or has had the authority to
 500 practice the regulated profession revoked, suspended, or

501 otherwise acted against, including a denial of certification or
 502 licensure, by the licensing or certifying authority of any
 503 jurisdiction, including its agencies and subdivisions. The
 504 licensing or certifying authority's acceptance of a
 505 relinquishment, stipulation, consent order, or other settlement
 506 offered in response to or in anticipation of the filing of
 507 charges against the licensee or certificateholder shall be
 508 construed as action against the license or certificate.

509 (f) Has been convicted or found guilty of, has had
 510 adjudication withheld for, or has pled ~~entered a plea of guilty~~
 511 or nolo contendere to, ~~regardless of adjudication of guilt,~~ a
 512 misdemeanor, felony, or any other criminal charge, other than a
 513 minor traffic violation.

514 (g) Upon investigation, has been found guilty of personal
 515 conduct that seriously reduces that person's effectiveness as an
 516 employee of the district school board.

517 (h) Has breached a contract, as provided in s. 1012.33(2)
 518 or s. 1012.335.

519 (i) Has been the subject of a court order or notice by the
 520 Department of Revenue pursuant to s. 409.2598 directing the
 521 Education Practices Commission to suspend the certificate as a
 522 result of noncompliance with a child support order, a subpoena,
 523 an order to show cause, or a written agreement with the
 524 Department of Revenue.

525 (j) Has violated the Principles of Professional Conduct

526 | for the Education Profession prescribed by State Board of
 527 | Education rules.

528 | (k) Has otherwise violated the provisions of law, the
 529 | penalty for which is the revocation of the educator certificate.

530 | (l) Has violated any order of the Education Practices
 531 | Commission.

532 | (m) Has been the subject of a court order or plea
 533 | agreement in any jurisdiction which requires the
 534 | certificateholder to surrender or otherwise relinquish his or
 535 | her educator's certificate. A surrender or relinquishment shall
 536 | be for permanent revocation of the certificate. A person may not
 537 | surrender or otherwise relinquish his or her certificate prior
 538 | to a finding of probable cause by the commissioner as provided
 539 | in s. 1012.796.

540 | (n) Has been disqualified from educator certification
 541 | under s. 1012.315.

542 | (o) Has committed a third recruiting offense as determined
 543 | by the Florida High School Athletic Association (FHSAA) pursuant
 544 | to s. 1006.20(2)(b).

545 | (p) Has violated test security as provided in s. 1008.24.

546 | (5) Each district school superintendent and the governing
 547 | authority of each university lab school, state-supported school,
 548 | private school, and the FHSAA shall report to the department the
 549 | name of any person certified pursuant to this chapter ~~or~~
 550 | ~~employed and qualified pursuant to s. 1012.39:~~

551 (a) Who has been convicted or found guilty of, who has had
 552 adjudication withheld for, or who has pled guilty or nolo
 553 contendere to, a misdemeanor, felony, or any other criminal
 554 charge, other than a minor traffic infraction;

555 (b) Who that official has reason to believe has committed
 556 or is found to have committed any act which would be a ground
 557 for revocation or suspension under subsection (1); or

558 (c) Who has been dismissed or severed from employment
 559 because of conduct involving any immoral, unnatural, or
 560 lascivious act.

561 Section 10. Paragraphs (d) and (e) of subsection (1) and
 562 paragraphs (a) and (d) of subsection (7) of section 1012.796,
 563 Florida Statutes, are amended to read:

564 1012.796 Complaints against teachers and administrators;
 565 procedure; penalties.—

566 (1)

567 (d)1. Each school district shall file in writing with the
 568 department all legally sufficient complaints within 30 days
 569 after the date on which subject matter of the complaint comes to
 570 the attention of the school district, regardless of whether the
 571 subject of the complaint is still an employee of the school
 572 district. A complaint is legally sufficient if it contains
 573 ultimate facts that show a violation has occurred as provided in
 574 s. 1012.795 and defined by rule of the State Board of Education.
 575 The school district shall include all information relating to

576 the complaint which is known to the school district at the time
577 of filing.

578 2. A school district shall immediately notify the
579 department if the subject of a legally sufficient complaint of
580 misconduct affecting the health, safety, or welfare of a student
581 resigns or is terminated before the conclusion of the school
582 district's investigation. Upon receipt of the notification, the
583 department shall place an alert on the person's certification
584 file indicating that he or she resigned or was terminated before
585 an investigation involving allegations of misconduct affecting
586 the health, safety, or welfare of a student was concluded. In
587 such circumstances, the database may not include specific
588 information relating to the alleged misconduct until permitted
589 by s. 1012.796(4).

590 3. Each district school board shall develop and adopt
591 policies and procedures to comply with this reporting
592 requirement. School board policies and procedures must include
593 standards for screening, hiring, and terminating instructional
594 personnel and school administrators, as defined in s. 1012.01;
595 standards of ethical conduct for instructional personnel and
596 school administrators; the duties of instructional personnel and
597 school administrators for upholding the standards; detailed
598 procedures for reporting alleged misconduct by instructional
599 personnel and school administrators which affects the health,
600 safety, or welfare of a student; requirements for the

601 reassignment of instructional personnel or school administrators
602 pending the outcome of a misconduct investigation; and penalties
603 for failing to comply with s. 1001.51 or s. 1012.795. The
604 district school board policies and procedures shall include
605 appropriate penalties for all personnel of the district school
606 board for nonreporting and procedures for promptly informing the
607 district school superintendent of each legally sufficient
608 complaint. The district school superintendent is charged with
609 knowledge of these policies and procedures and is accountable
610 for the training of all instructional personnel and school
611 administrators of the school district on the standards of
612 ethical conduct, policies, and procedures.

613 4. If the district school superintendent has knowledge of
614 a legally sufficient complaint and does not report the
615 complaint, or fails to enforce the policies and procedures of
616 the district school board, and fails to comply with the
617 requirements of this subsection, in addition to other actions
618 against certificateholders authorized by law, the district
619 school superintendent is subject to penalties as specified in s.
620 1001.51(12).

621 5. If the superintendent determines that misconduct by
622 instructional personnel or school administrators who hold an
623 educator certificate affects the health, safety, or welfare of a
624 student and the misconduct warrants termination, the
625 instructional personnel or school administrators may resign or

626 | be terminated, and the superintendent must report the misconduct
627 | to the department in the format prescribed by the department.
628 | The department shall maintain each report of misconduct as a
629 | public record in the instructional personnel's or school
630 | administrators' certification files. This paragraph does not
631 | limit or restrict the power and duty of the department to
632 | investigate complaints, regardless of the school district's
633 | untimely filing, or failure to file, complaints and followup
634 | reports.

635 | (e) If allegations arise against an employee who is
636 | certified under s. 1012.56 and employed in an educator-
637 | certificated position in any public school, charter school or
638 | governing board thereof, or private school that accepts
639 | scholarship students under s. 1002.39 or s. 1002.395, the school
640 | shall file in writing with the department a legally sufficient
641 | complaint within 30 days after the date on which the subject
642 | matter of the complaint came to the attention of the school,
643 | regardless of whether the subject of the allegations is still an
644 | employee of the school. A complaint is legally sufficient if it
645 | contains ultimate facts that show a violation has occurred as
646 | provided in s. 1012.795 and defined by rule of the State Board
647 | of Education. The school shall include all known information
648 | relating to the complaint with the filing of the complaint. This
649 | paragraph does not limit or restrict the power and duty of the
650 | department to investigate complaints, regardless of the school's

651 | untimely filing, or failure to file, complaints and followup
 652 | reports. A school under this paragraph shall immediately notify
 653 | the department if the subject of a legally sufficient complaint
 654 | of misconduct affecting the health, safety, or welfare of a
 655 | student resigns or is terminated before the conclusion of the
 656 | school district's investigation. Upon receipt of the
 657 | notification, the department shall place an alert on the
 658 | person's certification file indicating that he or she resigned
 659 | or was terminated before an investigation involving allegations
 660 | of misconduct affecting the health, safety, or welfare of a
 661 | student was concluded. In such circumstances, the database may
 662 | not include specific information relating to the alleged
 663 | misconduct until permitted by s. 1012.796(4).

664 | (7) A panel of the commission shall enter a final order
 665 | either dismissing the complaint or imposing one or more of the
 666 | following penalties:

667 | (a) Denial of an application for a ~~teaching~~ certificate or
 668 | for an administrative or supervisory endorsement on a teaching
 669 | certificate. The denial may provide that the applicant may not
 670 | reapply for certification, and that the department may refuse to
 671 | consider that applicant's application, for a specified period of
 672 | time or permanently.

673 | (d) Placement of the teacher, administrator, or supervisor
 674 | on probation for a period of time and subject to such conditions
 675 | as the commission may specify, including requiring the certified

676 teacher, administrator, or supervisor to complete additional
677 appropriate college courses or work with another certified
678 educator, with the administrative costs of monitoring the
679 probation assessed to the educator placed on probation. An
680 educator who has been placed on probation shall, at a minimum:

681 1. Immediately notify the investigative office in the
682 Department of Education upon employment or separation from
683 ~~termination of employment in the state~~ in any public or private
684 position requiring a Florida educator's certificate.

685 2. Have his or her immediate supervisor submit annual
686 performance reports to the investigative office in the
687 Department of Education.

688 3. Pay to the commission within the first 6 months of each
689 probation year the administrative costs of monitoring probation
690 assessed to the educator.

691 4. Violate no law and fully comply with all district
692 school board policies, school rules, and State Board of
693 Education rules.

694 5. Satisfactorily perform his or her assigned duties in a
695 competent, professional manner.

696 6. Bear all costs of complying with the terms of a final
697 order entered by the commission.

698
699 The penalties imposed under this subsection are in addition to,
700 and not in lieu of, the penalties required for a third

PCS for HB 1391

ORIGINAL

2018

701 recruiting offense pursuant to s. 1006.20(2)(b).

702 Section 11. This act shall take effect July 1, 2018.